

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GRANT BOYD,)
Plaintiff,)
)
v.) Civil Action
) No. 05-10873-RWZ
MIKE AUSTIN,)
Plymouth County Sheriff's Department, et al.,)
Defendants.)

**DEFENDANTS ANTHONY DICHIO
AND U.S. MARSHALS SERVICE'S
MOTION TO DISMISS**

Pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendants United States Marshals Service and United States Marshal Anthony Dichio respectfully move this Court to dismiss the above-captioned complaint with prejudice. As set forth more fully in the accompanying memorandum of law, this Court lacks subject matter jurisdiction and plaintiff has failed to state a claim for which relief can be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/Eugenia M. Carris
Eugenia M. Carris
Assistant U.S. Attorney
Office of the U.S. Attorney
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1 Courthouse Way - Suite 9200
Boston, MA 02210
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June 27, 2005

L.R. 7.1 Certification

Despite being exempt from her obligations under L.R. 7.1 because plaintiff is pro se and incarcerated, the undersigned counsel conferred with plaintiff in an attempt to resolve the issues presented herein.

/s/Eugenia M. Carris

Eugenia M. Carris
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that service of the foregoing has been made upon the following by first-class mail on this 27th day of June, 2005:

Grant Boyd, pro se,
MCI-Walpole-Block 4, P. O. Box 100, S. Walpole, MA 02071.

Plymouth County Sheriff's Department Headquarters,
24 Long Pond Road, Plymouth, MA 02360

Commonwealth of Massachusetts, Department of Correction Headquarters,
50 Maple Street, Suite 3, Milford, MA 01757.

/s/Eugenia M. Carris

Eugenia M. Carris
Assistant U.S. Attorney